

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS EUGENE RAY,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 11-855
v.	)	Judge Cathy Bissoon
	)	Magistrate Judge Eddy
DAVID HOGUE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Thomas Eugene Ray ("Plaintiff") currently is an inmate of Armstrong County Jail, in Kittanning, Pennsylvania. Plaintiff brings the instant cause of action pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983, *et seq.*, alleging violations of his rights under the Sixth, Eighth, Ninth, and Fourteenth Amendments to the Constitution of the United States. (Doc. 8 at 3). Plaintiff also alleges violations of the laws of Pennsylvania. *Id.* at 4.

This matter was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. On January 26, 2012, the magistrate judge issued a report and recommendation recommending that this case be dismissed due to Plaintiff's failure to prosecute. (Docs. 26-27). Plaintiff was given fourteen days, or until January 20, 2012, to file objections. As of the date of this writing, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Docs. 26-27), the following ORDER is entered:

AND NOW, this 6th day of February, 2012,

IT IS HEREBY ORDERED that this civil action is DISMISSED due to Plaintiff's failure to prosecute.

IT IS FURTHER ORDERED that Defendants Department of Corrections's motion to dismiss (Doc. 14) is DENIED as MOOT.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation (Docs. 26-27) is adopted as the opinion of the Court with respect to this issue.

BY THE COURT:

s/Cathy Bissoon  
CATHY BISSOON  
UNITED STATES DISTRICT JUDGE

cc:

**THOMAS EUGENE RAY**  
Armstrong County Jail  
171 Staley's Court Road  
Kittanning, PA 16201